

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Maurice Wyman Scott,)	C/A No.: 3:15-2692-CMC-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Chrome Capital, LLC,)	
)	
Defendant.)	
)	

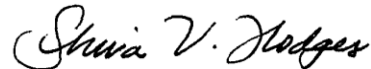
In this action, Maurice Wyman Scott (“Plaintiff”) sues Chrome Capital, LLC (“Defendant”), for alleged violations of law related to Defendant’s repossession of a motorcycle. [ECF No. 12-2 at 3]. Pursuant to Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), pretrial proceedings in this action have been referred to the undersigned. This matter comes before the court on Defendant’s motion to dismiss. [ECF No. 21]. Defendant’s motion asserts, in part, that it has not been properly served and the court lacks personal jurisdiction over Plaintiff’s claims pursuant to Fed. R. Civ. P. 12(b)(2), (4), and (5). *Id.*

In light of the early procedural history of this case, counsel for Defendant is directed to indicate to the court by May 24, 2016, by a filing on the docket, whether he can accept service of process on behalf of Defendant or whether Defendant will waive service. If Defendant accepts or waives service, this case will proceed on the merits as to its Fed. R. Civ. P. 12(b)(6) arguments. If Defendant does not accept or waive service, the court will determine whether service was improper. In the event that Defendant has not been properly served, the court will permit additional time for service and order the United States Marshal Service to attempt service on Defendant using the service

documents Plaintiff provided at ECF No. 25-2 at 13–14.

Assuming service of process is effected or waived, the court plans to treat Defendant's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) as one for summary judgment under Fed. R. Civ. P. 56 pursuant to Fed. R. Civ. P. 12(d), because matters outside of the pleadings have been presented. The parties are permitted until two weeks following the resolution of service issues to present any material pertinent to the motion that has not previously been submitted.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

May 10, 2016
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge